Vol. 1 No. 2 January 1998

EPA Oil Spill Program Update

The U.S. EPA's Oil Program Center Report

OPA Regional Workgroup Meeting

The EPA's Oil Pollution Act (OPA) Regional Workgroup meeting in Dallas, Texas, from January 12-15, 1998, brought together individuals that help implement the National Oil Spill Program. All of the EPA Regional offices were represented, as well as several divisions of EPA Headquarters offices. The meeting focused on various components of the Program — prevention, preparedness, and response. The status of the Oil Program in each Region, enforcement issues, area planning strategies, and the effectiveness of exercise drills were also discussed. Some other aspects were also considered such as information management, the successful use of GIS and other electronic information, policy interpretations, measures of success/selling the Program, and program communication issues. This exchange of ideas proved to be very productive and conducive to the enhancement of the Oil Spill Program nationwide.

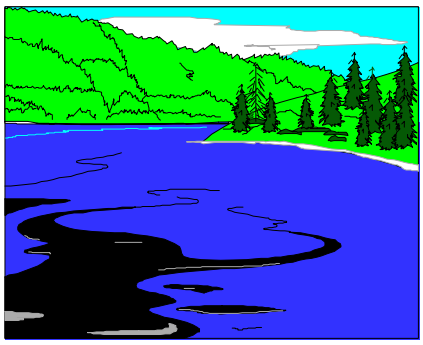
CONTENTS

Freshwater Spills Symposium '98

The Second Biennial EPA Freshwater Spills Symposium will be held March 3-5, 1998, in St. Louis, Missouri. The purpose of the symposium is to bring local, federal, state, and industry responders and planners, natural resource trustees, managers, and facility response planners together to discuss pertinent issues regarding freshwater oil spill response and to expand the available information within the freshwater spill community. The plenary session topic will be "Unified Command - Who's in Charge? A Local, Federal, State, and Responsible Party Perspective." Breakout sessions will cover topics such as pipelines, wetlands, natural resource damage assessments, and preparedness. Several case studies will be presented.

For more information regarding the symposium, visit the Freshwater Spills Symposium website at ***http://www.epa.gov/oilspill/conf.html*** or contact Sheila Calovich, in Region V, at (312) 353-1505.

Please note: conference and hotel registration deadlines are both February 1, 1998.



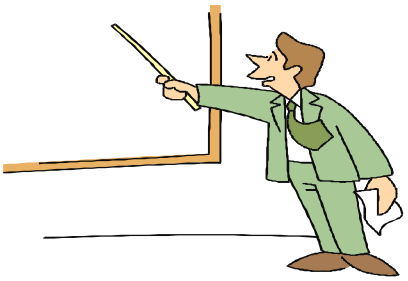
Aboveground Storage Tank Symposium

The challenge of preventing and managing aboveground storage tank (AST) fires will be the main topic at the Atlanta Fire Department's AST Symposium, to be held May 11-15, 1998. The symposium consists of three course options: two three-day courses, or one five-day course which combines the two three-day courses. The following are the course descriptions: Course A - Inspection of AST Facilities for Fire Safety (covers the design, construction, and leak detection of petroleum storage tank facilities); Course B - Fire Prevention, Protection, and Suppression of AST Fires (encompasses how to pre-plan for fires, how to mitigate consequences, what equipment is necessary, and when to evacuate); and Course C - a combination of both courses.

Last year's symposium was well-received, with many participants from other countries, including England and New Zealand. The keynote speaker for this year's symposium will be Mel

Cosgrove, Chairman of the National Fire Protection Association, 30-A Committee.

For more information on the upcoming symposium, contact Chief H.D. Jones at (404) 853-7010, James Brundage III (AST Symposium Chairman) at (404) 530-6639, or visit the symposium website at *www.atlanta.org/dept/fire/symp98.htm*.



Oil Program's Outreach to the Regulated Community

The EPA's Oil Spill Program is preparing a series of guides, in compliance with Title 40 of CFR Part 112 [which includes the Spill Prevention Control and Countermeasures (SPCC) Plan and the Facility Response Plan (FRP) requirements], to help facilities gain an understanding of Federal Oil Pollution Prevention regulations. These guides should promote national consistency in the SPCC and FRP programs. Under the EPA Oil Spill Program, a workgroup composed of representatives from each EPA Regional office, as well as Headquarters, is compiling these materials.

The updated guides are designed to be standalone, discussing each

aspect of the SPCC and FRP programs. The guides will address good engineering practices applicable to smaller facilities and demonstrate how the Federal Oil Pollution Prevention regulation specifically applies to other industry sectors including farms and ranches, electrical utilities, vehicle service facilities, marinas, and mines. In addition, the guides will address such topics as what to expect during an inspection and what other related oil pollution prevention programs may be in place on the state and local level.

Production of the new outreach guides is being coordinated by Dan Chadwick. For more information, he can be reached at (202) 564-7054. The outreach guides are planned for release in spring 1998.

IOSC Call for Papers

The 16th Biennial International Conference on the Prevention, Behavior, Control, and Cleanup of Oil Spills will be held March 8-11, 1999, in Seattle, Washington. The theme will be "Beyond 2000: Balancing Perspectives," reflecting on milestones and achievements of the past, and seeking a balance among a variety of perspectives for the future. The conference is seeking papers related to the theme that contribute to answering the following questions:

- Spill

Management: Who or what controls a response?

- Prevention: Have measures been effective?
- Response: How much is enough?
- Planning: When do plans work well?
- Expectations: Are they in balance with reality?
- Human Health Effects: Myths and realities?
- Technology: Are we using it to its best advantage?
- Environment: Can it recover?
- Public Policy: Is it effective?
- Partnering: Where do we go from here?

Abstracts of proposed presentations must be submitted by April 30, 1998, and should be no longer than 300 words. Previously published papers will not be accepted. For more information, contact Lieutenant Commander Bill Whitson or Lieutenant Mike Pittman at (202) 267-0518, or visit the IOSC website at ***http://www.iosc.org***.

Area Contingency Plans

While preventive efforts have significantly reduced the number of oil spills, about 20,000 spills are still reported every year. The current national emergency response infrastructure calls for various levels of contingency planning to respond to

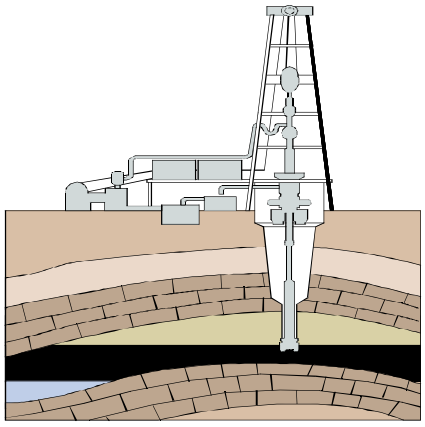
these spills: facility, local, area, state, regional, and national. Area Contingency Plans (ACPs), required by the Oil Pollution Act of 1990, are designed to be implemented when facilities are unable to handle spills on their own. ACPs also provide information to help facilities with contingency planning. The purpose of ACPs is to ensure that a spill is controlled and cleaned up in a timely and safe manner.

ACPs, developed by an Area Committee composed of technically-qualified individuals from federal, state, and local government agencies, must be adequate to remove a worst-case discharge, and to mitigate or prevent a substantial threat of discharge. The geographical areas covered by the ACP must be described, including areas of special economic or environmental importance that might be adversely affected by a discharge. Detailed information about the resources available (such as equipment and trained response personnel) from the government agencies in the specified area is included. The plans also describe the roles and

responsibilities of each responding party and agency during a spill event and how two or more areas would interact if necessary.

Responsibility for area contingency plans is shared by EPA (responsible for the inland zone) and the U.S. Coast Guard (responsible for the coastal zone). EPA has designated its areas as the 13 pre-existing Regional Response Team zones. Some regions have been further subdivided for area planning purposes based on watersheds, state boundaries, or other factors. The Coast Guard designated its areas as the pre-existing Captain-of-the-Port zones.

New SPCC



Proposed Amendment

62 FR 63812
December 2, 1997

The EPA is proposing to revise the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements, found at 40 CFR Part 112, to reduce its information collection burden. These revisions would permit flexibility in the format of SPCC Plans by allowing alternative formats by owners and

operators, accepting records that have been maintained as per usual and customary business practices or the National Pollutant Discharge Elimination System (NPDES) program rather than requiring the SPCC-mandated records, reducing the amount of information required for submission after certain spill events, and extending the time period within which the SPCC Plans must be reviewed and evaluated. Since these proposed changes would maintain the same standards of environmental protection while reducing the information collection burden, the EPA believes that there will be no adverse effect on public health or the environment. This proposal supplements the 1991 (10/22/91- 56FR 54612) and 1993 (02/17/93- 58FR 8824) proposals that are still pending. EPA will finalize all three proposals in one final rule.

The proposal seeks to amend one provision of the Facility Response Plan (FRP) requirements, 40 CFR 112.20, and clarify another. The amend

would provide a method to determine storage capacity at certain facilities that store mixtures of process water/wastewater with 10% or less oil. The proposed method would determine whether a facility's capacity would require it to the FRP preparation requirements at §112.20. The agency anticipates that such a change would decrease the number of facilities that are required to develop an FRP and maintain the plan on a year-to-year basis. EPA also proposes to clarify that an Integrated Contingency Plan format is acceptable for an FRP.

To reduce the information collection burden of the SPCC rule, EPA is proposing program changes. EPA requests public comment on new standards, technologies, or approaches that have been developed since the initiation of OPA, which reduce the burden of other

Proposed 40 CFR Part 112 changes:

- A State plan or Integrated Contingency Plan that meets all SPCC requirements could be used in place of an SPCC plan.
- The required amount of reported information after certain spill events would be reduced.
- The time period between evaluation of SPCC plans would be extended to five years.
- NPDES permit holders would be permitted to use their stormwater bypass documents in lieu of records presently required.
- Usual and customary business records could be used to satisfy record-keeping requirements of §112.7.
- Certain process water/waste water facilities would be exempt from preparing FRPs based on the size of their storage tanks.
- It is clarified that an Integrated Contingency Plan is an acceptable format for an FRP.

SPCC rule requirements, while maintaining environmental protection. EPA is also requesting feedback on measures that would enhance the SPCC rule's environmental protection.

For the final rule, EPA is considering whether a change is viable in the level of storage capacity that requires a facility to prepare an SPCC Plan, and has requested comment on this issue. Comments on all the proposed changes must be submitted on or before February 2, 1998.

Questions & Answers

Emergency Response Notification System (ERNS)

What is ERNS?

The Emergency Response Notification System (ERNS) is a database that stores information on initial and follow-up notifications of oil discharges and hazardous substance releases.

The program, which began in 1986, is a cooperative data-sharing effort among agencies such as EPA, the Department of Transportation (DOT), and the National Response Center (NRC). EPA Headquarters manages the database and provides significant funding, while DOT's Research and Special Programs Administration (RSPA) provides operation and maintenance

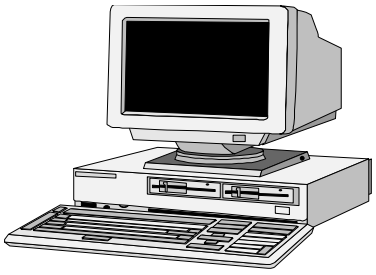
support. ERNS provides the most comprehensive data compiled on notifications of oil and hazardous substance releases in the United States. To date, more than 350,000 release notifications have been entered. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Clean Water Act (CWA), and other environmental statutes, release reporting is required; part or all of the information from these reports may be collected in ERNS.

How are notifications collected?

When a call is made to the NRC or one of the ten EPA Regions, a report is created containing all of the release information that the caller provided. The data includes information about the material and the quantity released, the discharger, and the location of the release. All records are electronically transferred to the central database daily. If additional information becomes available after the initial notification, EPA Regions can update the ERNS records. However, if a caller makes an additional report to previously collected data, a second record may be created and transferred to the ERNS database.

How is ERNS used?

The primary purpose of ERNS



is to standardize and collect notifications made to the federal government about releases of oil and hazardous materials. These notifications are used by on-scene coordinators (OSCs) to determine an appropriate federal response action, and to assist decision makers in solving emergency response and release prevention issues. ERNS data is also used to support other EPA programs, including regulatory development, environmental planning issues, and media programs.

What information is available in ERNS?

ERNS contains information about the material and quantity released; where and when the release occurred; what agencies have been notified; and any information about property damage, injuries, or deaths occurring due to the release. The reports fall into three categories: substances designated as hazardous under CERCLA; oil and petroleum products, as defined by CWA and the Oil Pollution Act (OPA) of 1990; and all other types of materials.

What are the limitations on data in ERNS?

The data in ERNS may be limited because it is based on initial notifications, and not incidents. Exact details are often unknown because the notification is often made during or immediately after a release. The data is usually not

updated unless an EPA Region is involved in the response action. Also, there may be multiple reports for a single incident. This usually happens when either a caller makes a second report to update original data, or a private party observer reports a release that has already been reported by the facility. Lastly, there may be transcription errors (e.g., misspellings of information) because reports are taken over the phone. For these reasons, ERNS data may be inconsistent with historic data.

How can ERNS data be obtained?

ERNS data information may be accessed on the Internet at ***http://www.epa.gov/ERNS/***. It can also be obtained by sending an E-mail request to ***erns.info@epamail.epa.gov,*** by calling the ERNS Information Line at (202) 260-2342, or by contacting the Freedom of Information Act (FOIA) Officer in the specific EPA Region of interest. There are several fact sheets available through the Internet site given above.

The Fifth International Effects of Oil on Wildlife Conference

The Fifth International Effects of Oil on Wildlife Conference was held November 3-6, 1997, in Monterey, California. The conference highlighted recent improvements in response capabilities and new concerns about cost

effectiveness, worthiness, and efficiency in various aspects of oiled wildlife recovery. These changes reflect recent federal and state legislative mandates identifying wildlife response and rehabilitation as an important aspect of oil spill cleanups. The conference emphasized the unique blend of science, technology, practical applications, and policy in current issues relating to oil spills. Presentations were made on various topics, including protection, risk assessment, response planning, damage assessment, evolving technologies, and rehabilitation. Several informative case studies were presented.

The new Oiled Wildlife Veterinary Care and Research Center in Santa Cruz hosted workshops. Conference participants were invited to tour the state-of-the-art facility designed to provide the best treatment for oiled wildlife and to support ongoing oil spill research, prevention, and response activities.

The conference was co-hosted by the California Office of Oil Spill Prevention and Response, the California Department of Fish and Game, the University of California, Davis, and the International Bird Rescue Research Center in Berkeley. Corporate sponsors included Exxon, Chevron, ARCO, Texaco, the

Monterey Bay Aquarium, and Wells Fargo.

If you are interested in attending future conferences, contact Nancy Ottum in the Wildlife Health Center, University of California, Davis. Ms. Ottum's phone number is (530) 752-3809.

Vegetable Oils and Animal Fats

62 FR 54508
October 20, 1997

EPA denied a petition by various agricultural trade associations to amend the Facility Response Plan (FRP) rule to allow facilities that handle, store, or transport vegetable oil or animal fat to use different and less stringent response methods in planning for spills of these oils under 40 CFR 112.20-.21. The FRP rule requires certain facilities, whose discharge could cause significant environmental harm, to prepare and implement response plans. This rule already provides greater flexibility to vegetable oil or animal fat facilities in the development of these plans than what is required for petroleum facilities.

EPA considered the physical, chemical, biological, and other properties, as well as the environmental effects, of petroleum oils, vegetable oils, and animal fats. EPA found that all the oils share common physical properties and produce similar environmental effects. Spills of vegetable oils and animal fats have the same or similar devastating impacts on the aquatic environment as

petroleum oils. In particular, EPA found that animal fats and vegetable oils can:

- Coat animals and plants with oil and suffocate them;
- Contain toxic components and form toxic products,
- Destroy food supplies, breeding animals, and habitats;
- Produce offensive odors;
- Foul shorelines;
- Clog water treatment plants;
- Catch fire when ignition sources are present; and
- Form products that linger in the environment for years.

Scientific research and experience with actual spills have shown that spills of animal fats and vegetable oils kill or injure fish, birds, mammals, and other species and produce other undesirable effects. Waterfowl and other birds,

mammals, and fish that become coated with animal fats or vegetable oils could die of hypothermia, dehydration and diarrhea, or starvation. They can also sink and drown, or fall victim to predators. Fish and other aquatic organisms may suffocate because of the depletion of oxygen caused by spilled animal fats and vegetable oils in water.

REPORT VEGETABLE OIL/ANIMAL FAT SPILLS

1-800-424-8802

States Column

Oil Pits: A Recently Discovered Dilemma

The Problem

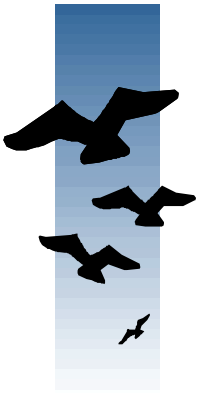
Each year, the U.S. Fish and Wildlife Service (FWS) estimates that some two million birds die nationwide from contact with oil on the surface of oil pits. In addition, these oily wastes may contaminate the surrounding soil and nearby ground and surface water. Most federal and state agencies may have thought that oil pit problems were minimized through existing environmental regulations.

However, recent focused studies and aerial surveillance enforcement efforts have found that open oil pits can cause substantially harmful effects. One study estimated that 400,000 birds died in a one year period in one big southeastern New Mexico oil field (Journal of Wildlife Management).

Oil pits are used to separate the oil and the brine water that are typically comingled in deep reservoirs. In general, oil producers and pit operators separate the oil and water with a series of pits. The first pit, the "skim pit," is used to skim off the oil and allow the water to drain in to the second pit, the "evaporation pit," for brine water disposal.

Especially in arid areas, open oil pits can create an inviting, yet deadly, aquatic environment that poses both immediate and long-term hazards. Bird and other wildlife species cannot distinguish between oil and water surfaces.

When landing or entering an open oil pit, the species may become coated in oil. This oil coating can cause physical effects that cause the species to die of suffocation, hypothermia, dehydration and diarrhea, or starvation; or the species may be poisoned by oils ingested while cleaning its feathers or fur. Additionally, the evaporation pits can sometimes support lush grasses and abundant insects. These form the basis of a wetland ecosystem that soon attracts birds and other fauna. Long-term ingestion of trace oil concentrations may cause toxic effects in susceptible species within these wetlands.



Regulatory Authorities

Several existing legislative authorities can be used to address oil pit problems. The authorities within EPA's purview include the Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), the Safe Drinking Water Act (SDWA), and the Clean Water Act (CWA). Within FWS's purview, migratory birds can be protected under the Migratory Bird Treaty Act (MBTA), and endangered species can be protected under the Endangered Species Act (ESA).

Other state, county, tribal, and federal agencies also have authorities that may be applied to problem oil pits.

Under the Migratory Bird Treaty Act, the most common tool for enforcement, maximum fines of $10,000 per bird can be assessed. EPA and FWS can assess fines in excess of MTBA's maximum. In comparison, a kit to net a wastewater tank costs approximately $60.

Recent Actions

Texas and Colorado are exemplary in their efforts to address problem oil pits. In these states, the FWS has had great success in enforcing MBTA, due mainly to aerial surveillance of the area.

Following the state efforts, FWS's Region 6 and EPA's Region 8 formed a partnership with other interested parties in 1996 to address the problem of oil pits and the resulting harm to wildlife, human health, and the environment. A collaborative effort was chosen to make efficient and effective use of the available tools.

The partnership began with a series of outreach meetings with states, tribes, oil and gas commissions, and other federal agencies. The purpose of these meetings was to describe the scope of the oil pits problem, to establish workgroup goals and activities, and to establish points of contact with each agency and tribe.

After the planning meetings, a three-phase action plan was created. During the Information Gathering Phase, scheduled from

January to May 1997, EPA and FWS were to conduct aerial surveys and follow-up ground activities in Colorado, Montana, and Wyoming. During the Information Evaluation Phase, scheduled from April to June 1997, the workgroup was to review the gathered information to identify and prioritize problem pits. During the Implementation Phase, scheduled for May to September 1997, the workgroup was to continue to work with the appropriate interested parties to determine the best mix of tools and authorities to encourage voluntary compliance with existing laws and regulations and, if necessary, to take enforcement action.

Actions to minimize environmental damage from oil pits:

- Keep oil off of pits;
- Properly line pits;
- Install and maintain netting or wire mesh over pits;
- Redesign and enclose old pits;
- Replace open pits with enclosed tanks; and
- Dispose of brine water through groundwater injection.

Results

While it has taken almost fifty years from the first identification of the problem to develop strict enforcement policies, recent efforts have made great strides in minimizing the hazards of problem oil pits.

Inland Oil Spills Workshop

The Environmental Response Team (ERT) held an Inland Oil Spills Workshop for Oil Spill Coordinators, October 27-31, 1997, at the U.S. Coast Guard's Pacific Strike Team Facility in Novato, California. The workshop emphasized the

practical and problem-solving skills relating to spill control and cleanup through lectures, problem sessions, and hands-on exercises.

Topics covered included the following:

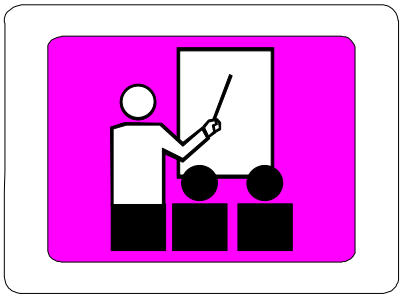
♦ the Oil Pollution Act of 1990;
♦ revisions to the National Contingency Plan;
♦ basic technical issues associated with inland oil spills;
♦ oil spill prevention, cleanup, and treatment technologies;
♦ roles of agencies responding to inland oil spills; and
♦ monitoring requirements.

Participants were taught how to use basic cleanup and treatment technologies and to identify spill prevention control and countermeasure regulations. Dr. Royal J. Nadeau, Associate Center Director of ERT, presented a special tabletop demonstration of dispersants. This course, limited to four presentations annually, is hosted by the U.S. Coast Guard Strike Teams in the following cities: Novato, California; Mobile, Alabama; Fort Dix, New Jersey; and Salt Lake City, Utah. For an updated list of future courses, please contact the Environmental Response Team Program's office in Cincinnati, Ohio, at (513) 569-7537.

SPCC/FRP Inspector Training Course

The third Spill Prevention,

Control, and Countermeasure (SPCC)/Facility Response Plan (FRP) Inspector Training was held in Region X, Seattle, Washington, November 3-7, 1997. The course was taught by staff from Regions V, VI, IX, and X, and Headquarters. It included lectures, case studies, videos, exercises, and a visit to an oil facility for a mock inspection. Twenty-eight students from Regions V, VI, VII, VIII, IX, and X, the U.S.



Coast Guard, and the State of Washington took part in the training. The course was well received and certificates were given to the students who completed the training seminar.

The goal of the course is to train participants in 1) understanding the SPCC and FRP regulations found at 40 CFR 112; 2) understanding the various types of regulated oil facilities and their operations; 3) understanding responsibilities, duties, and authorities to perform SPCC and FRP inspections; 4) performing SPCC and FRP inspections in an effective, nationally-consistent

manner; 5) documenting potential violations to build enforcement cases; and 6) interacting, building networks, and learning from other EPA Regions. The SPCC/FRP Inspector Training course fulfills the program-specific training needed to meet EPA Order 3500.1 requirements. In addition to this training, OSHA and a Basic Inspector Curriculum training are required for EPA inspectors.

The next course is scheduled for February 9-13, 1998, in the Washington, D.C., area. For more information, please contact Bobbie Lively-Diebold at (703) 893-4121, or Angela Jones, ICF, Incorporated, at (703) 934-3271.

Visit the Oil Spill Program at http://www.epa.gov/oilspill

To report oil and chemical spills call

1-800-424-8802